

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

J.W.

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Plaintiff

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vs.

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CIVIL ACTION NO. MJG-13-2386

CORPORAL CARRIER, et al.

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Defendants

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MEMORANDUM AND ORDER RE: SECOND AMENDED COMPLAINT

The Court has before it Defendants' Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment [Document 11], Plaintiff's Motion for This Court to (1) Defer on Ruling on Defendant's [sic] Motion for Dismissal and/or Summary Judgment or Schedule a Hearing in the Alternative [Document 22] and the materials submitted relating thereto. The Court finds a hearing unnecessary.

In the Amended Complaint [Document 3], Plaintiff presents claims against Defendants in fifteen Counts. Defendants have moved for dismissal, or, in the alternative, summary judgment as to all claims on various grounds. Plaintiff has responded to Defendants' motion addressing some, but not all of Defendants' contentions. By the instant motion seeking a deferral of decision by the Court, Plaintiff states that he intends to file a Second Amended Complaint.

In the interest of efficiency, and to avoid a series of amendments to the Complaint, the Court will provide Plaintiff with the opportunity to file a Second Amended Complaint. Plaintiff cannot expect to obtain leave to file a Third Amended Complaint. Plaintiff must consider the filings of Defendants addressed to the Amended Complaint in deciding what to include in the Second Amended Complaint. Plaintiff must omit from the Second Amended Complaint claims that lack any reasonable basis in fact and law.

Accordingly:

1. Plaintiff's Motion for This Court to (1) Defer on Ruling on Defendant's [sic] Motion for Dismissal and/or Summary Judgment or Schedule a Hearing in the Alternative [Document 22] is GRANTED IN PART.
2. Plaintiff may file a Second Amended Complaint, consistent with the discussion herein, by December 12, 2013.
 - a. The filing of a timely Second Amended Complaint shall render moot Defendants' Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment [Document 11].
 - b. Defendants may, however, file a motion seeking dismissal and/or summary judgment addressed to any Second Amended Complaint.

SO ORDERED, Tuesday, November 12, 2013.

/s/_____
Marvin J. Garbis
United States District Judge